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EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/754,001
Filing Date: January 02, 2001
Appellant(s): BRIGHT ET AL.

Aloysius Au Yeung
Of
Schwabe, Williamson, and Wyatt

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 21, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims in Group I and Group II stand or fall together in groups and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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5,815,665	TEPER	9-1998
20020161589	STRANDBERG	10-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6, 9-13, 15-20, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Teper et al. (U.S. Patent No. 5,815,665).

As to claim 1, 11, and 18, Teper et al. teaches a method comprising: receiving a request from a client to access a subscribed online service of a subscriber at an online service provider (see Fig.1, see column 6, lines 1-7), said request comprising a globally unique identifier (GUID) of the subscriber (see column 5, lines 56-60, also see column 6, lines 10-13, and column 10, lines 24-50) where "GUID" is read on "unique ID"); determining if the GUID is associated with the subscriber (see column 6, lines 14-25); and facilitating access to the subscribed online service of the subscriber if the GUID is associated with the subscriber (see column 6, lines 50-67).

As to claims 2, 12, and 19, Teper et al. teaches a method, further comprising: determining if a request for roaming capability is received, said request for roaming capability includes an email address; and facilitating the roaming capability utilizing the received email address upon so determining (As to the limitation, "roaming" as recited in claim 2, the examiner relies on the description provided by the applicant in the disclosure on page 11, 3rd paragraph. In this section the meaning of roaming is defined

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as access to the online services is being made available to more than one user (see column 2, lines 49-56; where the system is operable in any type of distributed network over which online services are provided, which apparently means any one having access to the internet from anywhere should be able to access the online services). As to the email address, Teper teaches sending emails to its users (see column 19, lines 55-57, see column 8, lines 12-15).)

As to claims 3, 13, and 20, Teper et al. teaches a method, wherein said facilitating comprises sending an email, including the GUID associated with the subscriber, to the email address (see column 19, lines 55-57, see column 10, lines 51-57, also see column 3, lines 14-16).

As to claims 4, Teper et al. teaches a method, wherein the method further comprises storing the GUID including email at an email service provider hosting said email address (see column 1, lines 24-26, where MSN or AOL provide online email services that includes storing emails, see column 10, lines 51-57, and also see column 3, lines 14-18).

As to claims 6, 15, and 22, Teper et al. teaches a method, wherein said GUID is stored in a cookie at the client (see column 3, lines 50-53; where "cookie" is read on "temporary cache").

As to claims 9, 16, and 23, Teper et al. teaches a method, further comprising: receiving subscription data including the GUID; and associating the GUID with the subscriber (see column 3, lines 13-18, see column 10, lines 44-65).

As to claims 10, 17, and 24, Teper et al. teaches a method, wherein said receiving of subscription data comprises the user filling out fields of a web site of the online service provider (see column 1, lines 54-65).

Claims 5, 7-8, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teper et al. (U.S. Patent No. 5,815,665) in view of Strandberg U.S. Patent Application Publication No. 2002/0161589 ('Strandberg').

As to claims 5, 14, and 21, Teper et al. discloses the claimed invention except for a method wherein said facilitating comprises sending an email with an uniform resource locator (URL) of the online service provider to the email address. Strandberg teaches that it is known to provide a method wherein said facilitating comprises sending an email with an uniform resource locator (URL) of the online service provider to the email address. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a method wherein said facilitating comprises sending an email with an uniform resource locator (URL) of the online service provider to the email address as taught by Strandberg, since Strandberg states at paragraphs [0020-0023], line that such a modification would provide security measures by encrypting the

email message sent to the interested party to provide a URL in order that no one else but the interested party could access the information.

As to claim 7, the modified invention of Teper et al. teaches a method, wherein the method further comprises retrieving the GUID from an email stored at an email service provider (see Strandberg: Fig. 3; paragraphs [0020-0023].)

As to claim 8, Teper et al. teaches a method, wherein said retrieval is performed from a subsequent location that is different from an original location where the subscriber caused said email to be stored at said email service provider or from the same original location after the subscriber reconfigured the original location (see column 2, lines 51-56, also see column 7, lines 44-47).

(11) Response to Argument

Firstly, Appellant argues that Tamer does not disclose a globally unique identifier for a subscriber.

In response, Examiner maintains that Tamer discloses a globally unique identifier for a subscriber (3:60-64) wherein the subscriber is deemed to be the registered user and the globally unique id is deemed to be the unique id. Wherein the unique id is created for users who login over the Internet (online service) therefore deemed to be globally unique. Examiner is allowed to be reasonable broad in interpreting the prior art. Tamer discloses that a user can access various Service Provider sites using a single password and log-on procedure, and can access one Service Provider after

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another without having to re-enter the password because a message containing a unique ID is generated and sent to the Service Providers. See 4:40-45; 10:24-50.

Secondly, Appellant argues that Tamer does not disclose an online service wherein the online service comprises a subscribed online service.

In response, Examiner maintains that Tamer discloses an online service since the service can be accessed over the Internet through an Internet Service Provider deemed to be a subscribed (registered) online service. See 7:40-65. Further, Tamer discloses Service Providers having users, which are deemed to be subscribers by the very nature of having access to a Service Provider through a user's own unique password and log-in. See 4:40-45; 10:24-50.

Thirdly, Appellant argues that the law requires symmetry with infringement.

In response, Examiner maintains that infringement is beyond the scope of this examination.

Fourthly, Appellant argues that Tamer does not disclose roaming capability and an email request to service a client in any location. See 7:40-65; 8:1-20.

In response, Examiner maintains that Tamer discloses such wherein Tamer discloses accessing the Internet using a Service Provider is deemed to be accessed anywhere in the world and further describes email capability. See 7:40-65; 8:1-20.

Fifthly, Applicant argues that Tamer does not disclose email having a GUID.

In response, Examiner maintains that Tamer discloses such wherein the user's unique id is deemed to be a GUID and is sent in a message to the user. See 9:50-60; 10:25-54.

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Lastly, Applicant argues that Tamer does not disclose email the URL of the service provider and retrieving the GUID from an email stored at the service provider.

In response, the modified invention discloses such as stated above wherein Strandberg discloses emailing the URL along with a unique ID to a user to enable roaming and access from anywhere on the global Internet; See Strandberg: Fig. 3; [0022-0023].

For the above reasons, it is believed that the rejections should be sustained.

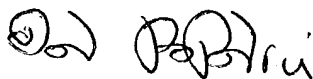
Respectfully submitted,



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Art Unit 2175

July 27, 2004

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